

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**EARL HIGGS,  
Plaintiff,**

**vs.**

**Case No. C2-02-1092  
Judge Edmund A. Sargus, Jr.  
Magistrate Judge Norah McCann King**

**THE WARRANTY GROUP,  
et al.,  
Defendants.**

**ORDER**

The Court notes that Defendants do not oppose Plaintiffs' request for additional time to respond to the Motion to Dismiss for lack of personal jurisdiction over the individual defendants. Moreover, the Court recognizes Plaintiffs' Motion to Compel Discovery relating to discovery on the personal jurisdiction issues raised in Defendants' Motion to Dismiss.

The Court first will review and decide the questions presented in the parties' briefs regarding the remaining issues following remand from the Court of Appeals for the Sixth Circuit. Should the Court decide that claims remain for further litigation, the parties then will proceed with personal jurisdiction discovery and complete on the briefing of the Motion to Dismiss. Accordingly, Defendants' Motion to Dismiss (Doc. #32) and Plaintiffs' Motion to Compel (Doc. #64) are denied without prejudice. The Court will reactivate the Motion if necessary following its decision on the substantive issues raised in the parties' briefs following remand.

**IT IS SO ORDERED.**

9-16-2005  
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**DATED**

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**EDMUND A. SARGUS, JR.  
UNITED STATES DISTRICT JUDGE**